

HOUSE BILL No. 1024

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-51-6.

Synopsis: Recovery for false imprisonment. Entitles a plaintiff who prevails in an action for false imprisonment to recover the salary or other earnings that the plaintiff presumably would have earned during the period of imprisonment if the plaintiff had not been imprisoned, along with attorney's fees. Specifies factors for the court to consider in determining the appropriate amount recoverable with respect to the plaintiff's salary or other earnings during the period of imprisonment.

Effective: July 1, 2003.

Smith V

January 7, 2003, read first time and referred to Committee on Appointments and Claims.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1024

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-51-6 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2003]:

4 **Chapter 6. Recovery in Actions for False Imprisonment**

5 **Sec. 1. A plaintiff who prevails in an action for false**
6 **imprisonment is entitled to recover the following:**

7 (1) The salary or other earnings that the plaintiff presumably
8 would have earned during the period of imprisonment if the
9 plaintiff had not been imprisoned.

10 (2) Attorney's fees.

11 **Sec. 2. The court shall consider the following factors in**
12 **determining the appropriate amount recoverable with respect to**
13 **the plaintiff's salary or other earnings under section 1(1) of this**
14 **chapter:**

15 (1) The plaintiff's salary or other earnings preceding the time
16 of imprisonment, if any.

17 (2) The plaintiff's skill level.



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1 **(3) The average salary in the locality where the plaintiff**
2 **resides for a job held by a person whose skills are similar to**
3 **those of the plaintiff.**

4 **(4) Any other factors that the court considers useful in**
5 **determining the salary or other earnings that the plaintiff**
6 **presumably would have earned if the plaintiff had not been**
7 **imprisoned during the period of imprisonment.**

8 **SECTION 2. [EFFECTIVE JULY 1, 2003] IC 34-51-6, as added**
9 **by this act, applies only to actions for false imprisonment filed after**
10 **June 30, 2003.**

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